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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,010	11/29/2000	David Howard Fischer	AUS920000739US1	9658

7590 11/19/2003

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Dallas, TX 75380

EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/726,010

Applicant(s)

FISCHER ET AL

Examiner

Lalita M Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-9, 17-18, and 26-27 recite the limitation "subscriber" in claims 1, 10, and 19. There is insufficient antecedent basis for this limitation in the claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Popolo (5,715,402).

Popolo discloses a method and system for matching sellers and buyers comprising receiving a notification preference, the notification preference identifying when to notify the client of a status of the electronic auction (**col.3, lines 40-60 and col.4, lines 5-20**); matching the notification preference to a current status of the electronic auction (**col.14, lines 35-43**); transmitting a notification to the client based on the matching of the notification preference to the current status of the electronic auction (**col.14, lines 35-43**); displaying a selectable presentation of at least one notification criteria, the notification criteria identifying a plurality of auction sequences and a method in which to deliver the notification (**col.3, lines 13-20 and 40-60**); displaying a

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selectable presentation of at least one notification transmission method (**col.3, lines 13-20 and 40-60**); transmission method is at least one of electronic mail, a telephone, a facsimile and a pager (**col.3, lines 13-20 and 40-60**); notification preference is at least one of a minimum bid notification, a no bid notification, a bidding close notification, an outbid notification and a winning bid notification (**col.14, lines 24-43**); receiving a notification preference, the notification preference identifying at least one auction item; matching the notification preference to a current status of the auction of the at least one item; and transmitting a notification to a subscriber based on the matching of the notification preference to a current status of the auction of the item (**col.3, lines 5-20 and 40-60 and col.14, lines 29-43**); the notification preference comprises default notification parameters (**col.3, lines 25-28**); the subscriber is an interested party (**col.3, lines 40-60**); the subscriber is at least one of a buyer and a seller in the auction (**col.3, lines 40-60**); receiving means for receiving a notification preference, the notification preference identifying when to notify the client of a status of the electronic auction (**col.3, lines 40-60 and col.4, lines 5-20**); matching means for matching the notification preference to a current status of the electronic auction (**col.14, lines 35-43**); transmitting means for transmitting a notification to the client based on the matching of the notification preference to the current status of the electronic auction (**col.14, lines 35-43**); displaying means for displaying a selectable presentation of at least one notification criteria, the notification criteria identifying a plurality of auction sequences and a method in which to deliver the notification (**col.3, lines 13-20 and 40-60**); displaying means for displaying a selectable presentation of at least one notification

transmission method (**col.3, lines 13-20 and 40-60**); the notification transmission method is at least one of electronic mail, a telephone, a facsimile and a pager (**col.3, lines 13-20 and 40-60**); the notification preference is at least one of a minimum bid notification, a no bid notification, a bidding close notification, an outbid notification and a winning bid notification (**col.14, lines 24-43**); receiving means for receiving a notification preference, the notification preference identifying at least one auction item; matching means for matching the notification preference to a current status of the auction of the at least one item; and transmitting means for transmitting a notification to a subscriber based on the matching of the notification preference to a current status of the auction of the item (**col.3, lines 5-20 and 40-60 and col.14, lines 29-43**); notification preference comprises default notification parameters (**col.3, lines 25-28**); the subscriber is an interested party (**col.3, lines 40-60**); the subscriber is at least one of a buyer and a seller in the auction (**col.3, lines 40-60**); first instructions receiving a notification preference, the notification preference identifying when to notify the client of a status of the electronic auction (**col.3, lines 40-60 and col.4, lines 5-20**); second instructions for matching the notification preference to a current status of the electronic auction (**col.14, lines 35-43**); third instructions for transmitting a notification to the client based on the matching of the notification preference to the current status of the electronic auction (**col.14, lines 35-43**); fourth instructions for displaying a selectable presentation of at least one notification criteria, the notification criteria identifying a plurality of auction sequences and a method in which to deliver the notification (**col.3, lines 13-20 and 40-60**); fifth instructions for displaying a selectable presentation of at least one notification

transmission method (**col.3, lines 13-20 and 40-60**); the notification fifth instruction further include instructions for the transmission method to be at least one of electronic mail, a telephone, a facsimile and a pager (**col.3, lines 13-20 and 40-60**); the first instructions further include instructions for the notification preference to be at least one of a minimum bid notification, a no bid notification, a bidding close notification, an outbid notification and a winning bid notification (**col.14, lines 24-43**); sixth instructions for receiving a notification preference, the notification preference identifying at least one auction item; seventh instructions for matching the notification preference to a current status of the auction of the at least one item; and eighth instructions for transmitting a notification a subscriber based on the matching of the notification preference to a current status of the auction of the item (**col.3, lines 5-20 and 40-60 and col.14, lines 29-43**); and the first instructions further include instructions for the notification preference to comprise default notification parameters (**col.3, lines 25-28**).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fisher (5,835,896), Lawrence (5,915,209), Fraser (5,995,947), Hall (5,930,479).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

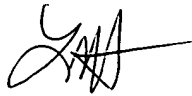
The fax phone number for the organization where this application or proceeding is assigned is (703) 746-6101.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-2272.

A handwritten signature in black ink, appearing to be 'LMH' with a stylized flourish extending to the right.

LMH